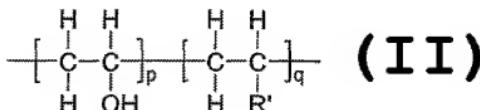


REMARKS

This amendment is submitted in an earnest effort to bring this application to issue without delay.

Applicants have canceled claims 9 through 12 as last presented and are submitting new claims 13 through 16. Antecedent basis for the new claims may be found in the specification on page 6, lines 7 and 13 through 24 and on page 7, lines 6 and 12 through 24. Thus claims 13 through 16 are now in this application and are presented for examination.

Applicants are submitting new claims 13 through 16 because they believe that the new claims are directed only to subject matter that patentably distinguishes over each of SMITH, BURGMAN et al and HARDER et al, either taken individually or in combination. In the claims now presented, both intermediate composition and process claims, Applicants react urea, a substituted urea, a salt or ester of carbamic acid or one of their N-substituted derivatives at a temperature of 100°C up to 270°C with a polymeric multi functional alcohol selected from the group consisting of a polyester polyol and a completely or partially hydrolyzed polyvinylalcohol of formula II



in which R' is an alkyl, aryl or acyl group having 1 - 12 carbon atoms, p and q are numbers between 1 and 20, or with mixtures of these compounds, without or in the presence of an ammonia splitting favorable catalyst and which is converted to a carbonate and carbamate containing mixture, None of the three cited references discloses or suggests either a polyester polyol or a partially or completely hydrolyzed polyvinyl alcohol of the Formula (II), or mixtures thereof to form a carbamate intermediate which then forms a carbonate intermediate with liberation of ammonia. In col. 5 of BERGMAN et al, and elsewhere throughout the reference, there is disclosure of a reaction between urea and a polyether polyol, more specifically a polyalkylene ether polyol of the Structure II or the Structure III according to col. 5 thereof. Nowhere, however, does BERGMAN et al disclose either a polyester polyol or a partially or completely polyvinyl alcohol of the Formula (II), or mixtures thereof, to form a carbamate or a carbonate intermediate according to the presently claimed invention. Since both the polyester polyol and the polyvinylalcohol of the Formula (II) are structurally far removed from the polyether polyols disclosed in BURGMAN et al and since Applicants in the claims now presented clearly do not cover the polyether polyols, all claims now presented are believed to be patentably distinguishable over BERGMAN et al.

Now Applicants turn to the SMITH reference which discloses the reaction of simple mono and polyalcohols of the formula $R(OH)_n$, and wherein R is an organic group and n is a whole number . The reference then goes on to describe specific polyhydroxy compounds including diethyleneglycol, which react with urea, splitting off ammonia; see col 1, line 60, and claim 1 of the reference. Diethylene glycol may be defined as an alcohol, and perhaps as a polyether polyol, or a polyalkylene glycol, if a dimer is even considered a polymer, but may not be described as either a polyester polyol or a polyvinylalcohol of the Formula (II) as defined in the presently claimed invention. Since both the Applicants' polyester polyol and the polyvinylalcohol of the Formula (II), required in all claims now presented, are structurally far removed from the diethyleneglycol disclosed as the polyol of choice in the SMITH reference, the reference provides no basis per se to reject any claim now presented as obvious under 35 USC 103.

Now Applicants turn to the HARDER et al reference. This reference discloses only individual aliphatic alcohols R-OH of the Formula (III) that are structurally far removed from either the polyester polyol or the polyvinylalcohol of the Formula (II) employed according to the present invention. See also col. 2, line 58 to col. 3, line 2 of the references. The HARDER et al reference neither discloses nor suggests the Applicants' polymeric alcohols, namely polyester polyols or polyvinylalcohols of the present

Formula (II) in a reaction with urea to form the particular carbamates or carbonates according to the present invention.

In view of the above Applicants believe that no claim now presented should be rejected as obvious under 35 USC 103 in view of any of the three references taken individually, or in combination. Once again all claims now presented require as a polyol component that reacts with urea to form carbamates and carbonates, that the polyol component be either a polyester polyol or a polyvinylalcohol of the Formula (II) or mixtures thereof. None of the prior art references cited by the Examiner either discloses or suggests the use of polyols of these particular structures in a reaction with urea to form the respective carbamates or carbonates that are the derivatives of these particular polyols.

Applicants are enclosing a copy of an office action prepared by the German Patent Office in 2006 in the corresponding German Patent Application along with citations of the references cited that have not already been made of record in the present application. The references include: Swiss Patent 596154 (= US Patent 4,156,784), US Patent 3,219,686, US Patent 4,459,397, and US Patent 5,489,702. Applicants are citing each of the US Patents on Form PTO 1449 which accompanies this amendment together with an Information Disclosure Statement and payment of the required fee for submission of the prior art references more than three months after the date of the German Office Action so that the Examiner can consider the additional prior art.

Applicants are also enclosing a copy of German Patent 103 41 952 B4, which recently issued. Applicants are also enclosing an English translation of claims 1 through 4 in the German Patent. Claims 1 through 4 in the German Patent correspond to claims 13 through 16 now presented in the present application.

Applicants are responding to the Examiner's rejection of the claims on the grounds of double patenting of the obviousness-type in view of commonly assigned, copending applications serial nos. 10/571,476 and 10/571,479 by filing a terminal disclaimer disclaiming the terminal portion of any patent that may issue in the present application beyond the expiration date of any patent that may issue in either serial no. 10/571,476 or 10/571,479.

Applicants are enclosing two PTO 2038 Forms to permit Applicants to charge the fee for late submission of the prior art cited in the corresponding German Patent Application and discussed in the Information Disclosure Statement that accompanies this amendment, and for filing the two terminal disclaimers that accompany this amendment.

Applicants believe that claims 13 through 16 are allowable over all of the cited prior art and a response to that effect is earnestly solicited.

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Enclosures: PTO-1449 with Swiss Patent 596154
PTO-2038 (2)
German Patent 103 41 952 B4
English translation of claims in German Patent
Official Action in German Patent 103 41 952 B4
Information Disclosure Statement
Terminal Disclaimers (2)